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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE TIRATH S. THAKUR

WRIT PETITION NO. 11646/1992

BETWEEN: -

Hegamilal,  
Proprietor of M/s. Maharana  
Traders, No. 33, Parvathi Nivas,  
A.M. Lane, Chickpet Cross,  
Bangalore.

..PETITIONER

(By Sri P. Sathyanarayana, Advocate)

AND: -

1. State of Karnataka,  
represented by its Commissioner  
of Commercial Taxes (Assessment II  
Bangalore) Gandhinagar,  
Bangalore.
2. Tahsildar,  
PUC & other recoveries,  
Second Zone,  
Kurushibhavan,  
Hudson Circle,  
Bangalore.

..RESPONDENTS

(By Sri K.M. Shivayogiswamy, HCGP)

This W.P. filed u/a 226 of the Constitution of India praying to quash the assessment order dated 20-2-1992 vide Annexures-E, F& J respectively and also notice dated 4-3-1992 vide Annexure-K; and etc.

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This Writ Petition coming on for hearing, this day, the Court made the following:-

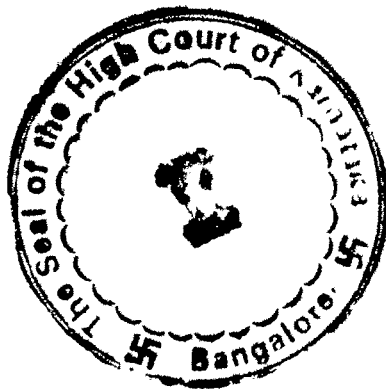
O R D E R

Aggrieved by an order of assessment made against the petitioner, a first appeal was filed by him before the prescribed appellate authority. The appeal was dismissed, whereafter, the petitioner took the matter up in a second appeal before the Karnataka Appellate Tribunal. While the Tribunal was seized of the matter proceedings for recovery of the amount determined against the petitioner appear to have been initiated aggrieved whereof the petitioner has filed the present writ petition for a certiorari.

2. No one has appeared on behalf of the petitioner today.

3. Mr. Shivayogi Swamy, learned Govt. Pleader submitted that the second appeal preferred by the petitioner was filed as far back as in the year 1992 and that the same must have in all likelihood been disposed of by the Tribunal. In any event the interim

order granted by this Court against the impugned recovery proceedings could be continued for a period of 3 months by which time, the Tribunal could be directed to dispose of the appeal if the same has not already been disposed, of. This appears to me to be a fairly reasonable course adopt. In the result, this writ petition is disposed of with a direction that the Tribunal shall dispose of the appeal preferred by the petitioner if not already disposed off within a period of 3 months from today. In the meantime and for a period of 3 months only, the recovery proceedings initiated against the petitioner shall remain stayed. No costs.



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Sd/-  
JUDGE

sac/hba/-